

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65505 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- JAMUI District- Jamui

SONU RAJAK @ SONU KUMAR S/o Kedar Rajak R/o Village- Sonpay,
P.S.- Jamui, Distt- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 04-03-2023 The matter has been taken up for online hearing
through video conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Jamui
P.S. Case No.72 of 2021 disclosing offences punishable under
Sections 304-B/34 of the Indian Penal Code.

The petitioner is the husband of the deceased who
died of asphyxia due to hanging. The deceased was married to
the petitioner, as per the first information report, on 28.04.2016
and died on 21.02.2021. There is allegation in the written report
of the father of the deceased, which is the basis for registration
of the FIR that the petitioner and his family members used to



make demand for dowry and would torture her for non-fulfilment of the demand. A female child was subsequently born to the deceased. It is alleged that the torture which was being meted out to the victim before the birth of the female child by the family members of the petitioner escalated as they were not happy with the birth of a female child.

Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner has submitted that there is vague allegation of demand of dowry in the FIR. Secondly, there is no allegation of any demand of dowry after the birth of the female child, who on the date of occurrence was about one and half years old. He has, accordingly, submitted that Section 304-B of the IPC is not attracted in the absence of specific allegation that soon before the death of the deceased, demand of dowry was made. He has further argued that the deceased was taken to the hospital by her-in-laws where she breathed her last. The brother of the deceased is a witness to the inquest report which was prepared before registration of FIR. He did not make any allegation of the nature as disclosed in the first information report, subsequently. He has thus argued that lodging of criminal case is an afterthought.

Considering the submission made on behalf of the



petitioner that there was no allegation of demand of dowry soon before the death of the deceased and the fact that the deceased was taken to hospital for treatment by the petitioner and his family members, a case is made out for release of the petitioner on bail. This application is accordingly allowed.

Let the petitioner above-named be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Jamui in Jamui P.S. Case No. 72 of 2021.

(Chakradhari Sharan Singh, ACJ)

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